

# United States District Court, Northern District of Illinois

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|--|---|--|----------|
| Name of Assigned Judge or Magistrate Judge | Milton I. Shadur                          | Sitting Judge if Other than Assigned Judge |          |
| CASE NUMBER                                | 03 C 8017                                 | DATE                                       | 1/5/2004 |
| CASE TITLE                                 | Pierre L. Moore vs. Phillip Martin, et al |  |          |

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

## MOTION:

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## DOCKET ENTRY:

|      |                                     |  |
|------|-------------------------------------|--|
| (1)  | <input type="checkbox"/>            | Filed motion of [ use listing in "Motion" box above.]  |
| (2)  | <input type="checkbox"/>            | Brief in support of motion due _____.  |
| (3)  | <input type="checkbox"/>            | Answer brief to motion due _____. Reply to answer brief due _____.   |
| (4)  | <input type="checkbox"/>            | Ruling/Hearing on _____ set for _____ at _____.  |
| (5)  | <input type="checkbox"/>            | Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.  |
| (6)  | <input type="checkbox"/>            | Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.   |
| (7)  | <input type="checkbox"/>            | Trial[set for/re-set for] on _____ at _____.   |
| (8)  | <input type="checkbox"/>            | [Bench/Jury trial] [Hearing] held/continued to _____ at _____.   |
| (9)  | <input type="checkbox"/>            | This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]<br><input type="checkbox"/> FRCP4(m) <input type="checkbox"/> Local Rule 41.1 <input type="checkbox"/> FRCP41(a)(1) <input type="checkbox"/> FRCP41(a)(2).   |
| (10) | <input checked="" type="checkbox"/> | [Other docket entry] Enter Memorandum Order. When exhibits A and B are received, this Court will cause appropriate counterparts of the Complaint to be delivered to the United States Marshals Service to enable to the processing of service on the numerous defendants. If Moore fails to comply with that order on or before January 23, 2004, this Court will be constrained to dismiss the Complaint and this action. |
| (11) | <input checked="" type="checkbox"/> | [For further detail see order attached to the original minute order.]  |

|                                     |   |  |   |  |
|-------------------------------------|---|--|---|--|
| <input type="checkbox"/>            | No notices required, advised in open court. | <div style="text-align: center;"> </div>   | number of notices   | <div style="text-align: center;"> <b>Document Number</b><br/><br/>5         </div> |
| <input type="checkbox"/>            | No notices required.                        |  | <div style="text-align: center;"> <b>JAN 06 2004</b><br/> <small>date docketed</small> </div>           |  |
| <input checked="" type="checkbox"/> | Notices mailed by judge's staff.            |  | <div style="text-align: center;"> </div>  |  |
| <input type="checkbox"/>            | Notified counsel by telephone.              |  | <div style="text-align: center;"> <small>docketing deputy initials</small> </div>                       |  |
| <input type="checkbox"/>            | Docketing to mail notices.                  |  | <div style="text-align: center;"> <small>1/5/2004</small><br/> <small>date mailed notice</small> </div> |  |
| <input type="checkbox"/>            | Mail AO 450 form.                           |  | <div style="text-align: center;"> <small>SN</small> </div>  |  |
| <input type="checkbox"/>            | Copy to judge/magistrate judge.             |  |   |  |
| SN                                  | courtroom deputy's initials                 | <div style="text-align: center;"> <small>01 02-03-04</small><br/> <small>Date/time received in central Clerk's Office</small> </div> | <div style="text-align: center;"> <small>mailing deputy initials</small> </div>                         |  |

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

PIERRE L. MOORE #K-61446           )  
  )  
                  Plaintiff,           )  
  )  
                  v.                    )  
  )  
PHILLIP MARTIN, et al.            )  
  )  
                  Defendants.         )

No. 03 C 8017

**DOCKETED**  
JAN 08 2004

MEMORANDUM ORDER

This Court's November 14, 2003 memorandum opinion and order ("Opinion") addressed a number of issues posed by the pro se Complaint filed by Pierre Moore ("Moore") in consequence of this Court's preliminary screening as to that prisoner-instituted Complaint called for by 28 U.S.C. § 1915A(a). As a threshold issue, Opinion at 3 addressed the question whether Moore had satisfied the statutory precondition for any prisoner lawsuit under 42 U.S.C. § 1997e(a), which requires that all available administrative proceedings be exhausted before a prisoner can turn to the federal courts for relief.

Although Moore has not complied with the Opinion's directive that he supplement the Complaint with a statement as to the outcome of the mandamus action described in Complaint ¶ 47, this Court has had that question pursued by its own minute clerk -- and the report that she obtained from the state court's administrative personnel is that Moore's mandamus action was dismissed on December 22 for failure to state a cause of action.

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That being so, it appears that Moore no longer has any state administrative proceedings available to him. Although no ruling is either made or implied here as to whether that means Moore has complied with the 42 U.S.C. § 1997e(a) requirement as a matter of law, and if he has not what effect that may have on his current lawsuit, those subjects can best be addressed as and when they may be raised by one or more defendants.

Accordingly this action may proceed at this time. But Moore is reminded that Opinion at 1 n.1 ordered him (apart from the supplement reporting on the mandamus action, which is no longer needed) to submit one full set of Exhibits A and B and one additional counterpart of the Complaint. As and when those materials are received, this Court will cause appropriate counterparts of the Complaint to be delivered to the United States Marshals Service to enable to the processing of service on the numerous defendants. If Moore fails to comply with that order on or before January 23, 2004, this Court will be constrained to dismiss the Complaint and this action.



Milton I. Shadur  
Senior United States District Judge

Date: January 5, 2004